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Phone: (801) 530-2900

***Counsel for Defendant and Counterclaim-
Plaintiff Fiber Research International, LLC***

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

OBESITY RESEARCH INSTITUTE, LLC,

Plaintiff & Counterclaim-
Defendant,

v.

FIBER RESEARCH INTERNATIONAL,
LLC,

Defendant & Counterclaim-
Plaintiff.

Case No. 15-cv-595-BAS-MDD

**FIBER RESEARCH'S PRETRIAL
DISCLOSURES**

[Fed. R. Civ. P. 26(a)(3)]

Judge: Hon. Cynthia Bashant

Trial Date: September 13, 2015

Pursuant to Fed. R. Civ. P. 26(a)(3), Fiber Research International, LLC hereby submits the following pretrial disclosures of information Fiber Research may present at trial, other than solely for impeachment.

1. WITNESSES [Fed. R. Civ. P. 26(a)(3)(A)(i)]

The name, and if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises.^{1, 2}

<i>Witnesses Fiber Research Expects to Call</i>	<i>Witnesses Fiber Research May Call</i>
<ul style="list-style-type: none"> • John Alkire • Yoshi Shimizu • Dr. Thomas Wolever • Dr. Gilbert Kaats 	<ul style="list-style-type: none"> • Ryusuke Shimizu • Mikiko Shimizu • Dr. George Fahey • Dr. Laura Lerner • Dr. Harry Preuss • David Fisher, Esq. • Henny den Uijl • James Ayres • Rick Hoffman • Wendi Wang • Tim Peters • Allison Borts, Esq. • Any witness necessary to authenticate any exhibit

¹ Due to pending motions to dismiss Shimizu Chemical Corporation from the action, and various Obesity Research objections to rulings on discovery motions by Judge Dembin (filed or anticipated), these disclosures are subject to revision as necessary.

² All witnesses' addresses and telephone numbers have previously been provided. Nevertheless, Fiber Research's counsel is available to provide further information or discuss the facilitation of contact with Fiber Research's witnesses. Witnesses represented by counsel (John Alkire, Yoshi Shimizu, Dr. Thomas Wolever, Dr. Gilbert Kaats, Ryusuke Shimizu, Mikiko Shimizu, Dr. George Fahey, and Dr. Harry Preuss) should all be contacted only through their counsel, *i.e.*, Fiber Research's undersigned counsel.

2. DEPOSITION TESTIMONY [Fed. R. Civ. P. 26(a)(3)(A)(ii)]

The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.³

- Dr. Gilbert Kaats • Tim Peters • Dr. Harry Preuss
- Dr. Thomas Wolever • Dr. George Fahey

3. DOCUMENTS AND EXHIBITS [Fed. R. Civ. P. 26(a)(3)(A)(iii)]

An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

<i>Documents & Exhibits Fiber Research Expects to Offer at Trial</i>	<i>Documents & Exhibits Fiber Research May Offer at Trial</i>
<ul style="list-style-type: none"> • <u>21CEN</u>1 • <u>ABCL</u>1, 2-3, 22, 23, 43, 44, 46, 49, 52, 53, 54, 59, 61, 63-68, 69-72, 73, 74, 75, 78, 80, 95, 97, 121, 124, 125, 126, 127, 128, 129, 143, 150, 151, 153, 155, 157, 160, 162, 163, 164, 165, 166, 167, 169, 171, 173, 175, 179, 181, 187, 189, 193, 196, 198, 200, 202, 203, 204, 206, 207, 208, 211, 213, 214, 215, 217, 219, 226, 232-37, 253-58, 263, 269-74, 286, 287, 288, 289, 296, 297, 298, 304, 307, 314, 318, 397-413, 415, 416, 417, 418, 477 • <u>AYRES</u>4-5, 106-16 • <u>BEAT</u>320-30 • <u>FAH</u>1, 5, 93-96, 100-101, 113-38, 139-46, 147, 152-69, 217 	<ul style="list-style-type: none"> • <u>21CEN</u>54-73, 340-57, 358-73, 461-81, 482-501, 538-55, 774-90, 810-29, 865-85, 942-70, 1012-31, 1089-105, 1193-210, 1303-21, 1338-57, 1358-78, 1527-46, 1574-66, 1660-78, 1758-77, 1778-1800, 1801-17, 1837-55, 1925-43, 1944-64, 2151-67, 2257, 2427, 2467-86, 2504-18, 2689-708, 3142-62, 3182-202, 3238-58, 3436-56, 3475-96, 3864-87, 4009-29, 4030-52, 4092-111, 4204-23, 4967-70, 4971-76, 4977-82, 4983-89, 4990-96, 4997-5003, 5004, 5013-19, 5020-28, 5029-37, 5038-49, 5050-56, 5057-62, 5063-69, 5069-75, 5076-82, 5083-89, 5090-95, 5096-101, 5102-108, 5109-16, 5117-23, 5124-30, 5131-36, 5137-43, 5143-50, 5151-56, 5157-63, 5164-71, 5171-75, 5146-88, 5189-206, 5207-13, 5214-22, 5223-29, 5237-43, 5244-55, 5256-62, 5263-68, 5269-75, 5276-82, 5283-89, 5292-98, 5299-304, 5305-11, 5312-17, 5318-24, 5325-31, 5595, 5596, 5597, 5598, 5601-602, 5604, 5671-73, 5683, 5688-98, 6167-74, 6175-78, 6228-31

³ Each of the depositions which FRI may use at trial were recorded stenographically.

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<ul style="list-style-type: none"> • <u>FRO</u>4-6, 7, 8, 9, 10, 11, 12, 104, 316-38, 339-43, 815, 816, 817, 819 • <u>KAATS</u>7-26, 73-91, 97-98, 107-12, 120, 154-55, 163-67, 269-72, 276, 721-23, 782, 874-76, 1173-1237, 1238-46, 1350-59, 1440-44, 1628, 1666, 1774-93, 2350 • <u>LER</u>569 • <u>NAI</u>54-81, 120, 215-32 • <u>NUTR</u>73, 74, 86-87, 134-35, 136-37, 410-13, 434-38, 455-58, 462, 467-70, 476-77, 504, 596-98, 599-604, 621-24, 815, 826-33, 996-97, 1078, 1080, 1249-50, 1421-22, 1538, 1725, 1727-28, 1759, 1763, 1780, 1838-40, 1853-57, 1876-83, 1925, 1931, 1936, 1937, 1944-47, 2038, 2079, 2091, 2092, 2098-100, 2107, 2118, 2124, 2132, 2137-51, 2154, 2226, 2259, 2340, 2342-43, 2344-50, 2355, 2393-94, 2395-96, 2400-401, 2407, 2425, 2429-30, 2456, 2488, 2493-95, 2511, 2514-21, 2533, 2550, 2579, 2626, 2638, 2639, 2650, 2656, 2980-82, 3068, 3074, 3100-103, 3462, 3619, 3624, 3628-33, 3856-89, 4287-307, 4579, 4580, 4657, 4823-33, 5097-98, 5135, 5136-37, 5198, 5200, 5226, 5250-51, 5253, 5440, 5553, 5630-61, 6310, 6419, 6485-89, 6528, 6529, 6530-33, 6534, 6539, 6547, 6548, 6551, 6552, 6553, 6554-55, 6557, 6614, 6644-46, 6659, 6660, 6674-82, 6915, 7012, 7013-14, 	<ul style="list-style-type: none"> • <u>ABCL</u>8-11, 20, 24, 26, 27-33, 45, 48, 50, 55-57, 76-77, 79, 81, 85, 87, 88, 96, 98, 100, 101, 103, 108-109, 110-17, 119, 130-33, 134, 144, 227, 228, 229, 230-31, 239-42, 243, 247, 248, 249, 250, 251-52, 275, 276, 277, 278, 279-80, 333-34, 337, 338, 359-64, 365-67, 394, 423-24, 438-42 • <u>AYRES</u>51-52, 53, 54-66, 67-70, 71-72, 73, 95-102, 118-211 • <u>BEAT</u>131 • <u>FAH</u>171-78, 179-89, 190-201, 202-16, 229-33, 234-39, 240-43, 245-49, 250-56, 257-62, 263-66, 269-74, 275-80, 281-84, 290-95, 296-302, 303-12, 313-21, 322-32, 333-55, 407-408, 411, 412, 460-69, 470-74, 475-83, 484-90, 491-524, 525-44, 545-53, 554, 562-75, 581-89, 590-601, 602-14 • <u>FRO</u>1-3, 13-14, 15, 16-17, 18-46, 47-49, 50, 51-96, 97-102, 103, 165, 167-70, 459, 460, 625-28, 639-40, 650, 661-64, 667-69, 670-71, 677-81, 704-705, 706-709, 712-14, 720-22, 723, 730-33, 736-37, 738-40, 807, 810, 812, 822, 823-27, 906-907, 908-909, 910, 911, 912-17, 954, 955-56, 957-59, 960, 961, 962, 963, 964, 965-77, 978, 979-81, 982, 1015-19, 1108-13, 1114-17, 1119-23, 1131-37, 1171-76, 1247-50, 1269-74, 1275-80, 1289-92, 1298-1303, 1304-10, 1316-25, 1326-34, 1345, 1348-50, 1362-66, 1404, 1456-76, 1640, 1641-43, 1644, 1645-47, 1648-50, 1651-54, 1655-60, 1663-66, 1667-70, 1661-74, 1675-78, 1679-83, 1684-87, 1708-19, 1775-76, 1900, 1915-27, 1932-45, 1949-2020, 2021-23, 2060-67, 2069-74, 2077, 2078, 2083-84, 2085-87, 2090-95, 2101-102, 2103-104, 2113-53, 2158-61, 2180-84, 2189-98, 2201-205, 2206-11, 2222, 2233-34, 2234-49, 2258-89, 2274-45, 2298-311, 2314-20, 2337-42, 2343-91, 2415-20, 2485-86, 2498-509, 2511-12, 2514-19, 2536-45, 2557-59, 2571-72, 2576-78, 2584-85, 2585-86, 2588-93, 2658-55, 2627, 2634-52, 2745-46, 2804-

<i>Documents & Exhibits Fiber Research Expects to Offer at Trial</i>	<i>Documents & Exhibits Fiber Research May Offer at Trial</i>
<p>7202-203, 7425-36, 7504-14, 7515, 7516, 7527, 7786-88, 7789</p> <ul style="list-style-type: none"> • <u>ORI</u>171, 173, 190, 191, 215-32, 375, 875-79, 889-97, 901, 903, 923, 948, 949, 992, 1038-40, 1041-44, 1055-56, 1064-69, 1078-80, 1151-56, 1162-67, 1180-85, 1193, 1198, 1216-20, 1222, 1403, 1407, 1420-22, 1423-34, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442-43, 1444, 1445, 1478-79, 1480-83, 1607-608 • <u>VIT-BEST</u>36, 37, 38, 39 • <u>XYMOGEN-ORI</u>227, 228 	<p>805, 2837-40, 2846-49, 2882, 2901-902, 2930, 2931, 2941-48, 2965-86, 2988-96, 2997-3002, 3003-3008, 3010-13, 3014-23, 3027-32, 3038-41, 3064-81, 3081-85, 3090-92, 3095-99, 3113-24, 3128, 3140-44, 3145-48, 3152-53, 3159-66, 3174, 3188-212, 3213-17, 3237-41, 3255, 3277-78, 3279-80, 3318-19, 3324-37, 3365-66, 3382, 3383, 3384-85, 3386-87, 3394, 3398, 3401-402, 3405-406, 3417, 3432, 3506-516, 3517-18, 3518-21, 3522-39, 3561-62, 3562-69, 3585-88, 3611-12, 3701-703, 3710-11, 3732-35, 3738-43, 3770-73, 3801-12, 3825, 3878-82, 3935-37, 4001-4015, 1446, 1447-24, 4132-33, 4133-36, 4144-45, 4145-48, 4164-66, 4183-86, 5186-87, 4187-88, 4218-25, 4236-38, 4239-41, 4258-70, 4328-30, 4367-69, 4375, 4376-77, 4398, 4401-13, 4514-30, 4539-42, 4552-63, 4577-78, 4621-29, 4682-83, 4713-16, 4732, 4976-81, 4982, 4983-5025, 5028, 5029-30, 5031</p> <ul style="list-style-type: none"> • <u>KAATS</u>1-2, 3-4, 28-71, 113-15, 116, 117-19, 121, 127-28, 136-42, 143-50, 151-52, 290-92, 341-42, 352-62, 724-26, 728, 730, 734-35, 736, 771-72, 773-79, 780, 866, 873, 1247-53, 1254-62, 1263-76, 1296, 1297, 1300-301, 1304-305, 1306-309, 1310, 1312, 1325-26, 1340-43, 1348-49, 1367-72, 1373-74, 1376-95, 1398-1401, 1406, 1408-15, 1416-23, 1424-31, 1460-65, 1526-27, 1529-30, 1533, 1535, 1537, 1538-39, 1540-41, 1547, 1549, 1550-51, 1552, 1555-57, 1593, 1596, 1604-609, 1617-22, 1626, 1629, 1646-54, 1665, 1680-81, 1682, 1683-97, 1698, 1709-21, 1744-45, 1752-57, 1794-817, 1864-86, 1928-50, 2158-84, 2185-90, 2406, 2408-12, 2428-29, 2432-34, 2435-40, 2441-42, 2452-57, 2458-60 • <u>LER</u>573-74, 1155 • <u>NAI</u>4-18, 34-36, 37-40, 41, 50-53, 108-109, 110-14, 115, 123-29, 143, 145, 147, 149, 152, 153,

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	<p>4929-32, 4961-63, 5100-101, 5107, 5108-12, 5126-29, 5255-59, 5278-79, 5321, 5636-66, 5367-77, 5404-12, 5483-92, 6439, 6492-95, 6527, 6562, 6564, 6565, 6566, 6568-80, 6586, 6588-90, 6591-96, 6597-609, 6613, 6615, 6616, 6912, 6913, 6914, 7168, 7179, 7180, 7234, 7262-306, 7517, 7518, 7519, 7526, 8002, 8003, 8312-32</p> <p>• <u>ORI</u>84-90, 170, 174, 175, 176, 177-81, 183-84, 192-214, 233-36, 246, 247-48, 254, 259-60, 265-71, 286, 287, 289, 290, 291, 292, 293, 294, 295, 303, 308, 309, 311, 315, 316, 317, 321, 327, 328, 329, 337, 343, 345, 346, 348, 349, 351, 352, 353, 355, 357, 360, 363, 364, 365, 366, 367, 369, 370, 371, 380, 382, 383, 386, 388, 392, 395, 396, 398, 399, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 429, 460, 462, 467, 468, 471, 477, 488, 489, 490, 491, 493, 494, 495, 496, 497, 499, 521, 550, 583, 601-603, 604-605, 615-37, 708-15, 880-88, 904-17, 918-22, 924-41, 942, 943, 944, 947, 950, 951-52, 958-66, 967-70, 971-85, 986-90, 991, 993, 994-1021, 1022-23, 1024-28, 1029, 1030-37, 1053-54, 1076-77, 1130, 1131, 1143-47, 1148-49, 1168-76, 1188-89, 1191, 1192, 1204, 1205, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1225-26, 1233-34, 1235-38, 1258-59, 1260-61, 1292-97, 1298-99, 1300-303, 1304-306, 1310, 1328-33, 1390, 1391, 1392-99, 1404, 1405, 1406, 1408, 1409, 1477, 1484, 1494, 1495-1589, 1592-94, 1609, 1610-11, 1615-16, 1730-31, 1732, 1733-48</p> <p>• <u>WOLEVER</u>2-29, 30-52, 53-57, 58-61, 64-76, 77-81, 82-86, 87-97, 98-105, 106-11, 112-15, 116-18, 120, 121, 122, 123-29, 131-37, 138-45, 146-47, 148-57, 158-63, 164-71, 172-75, 177-80, 181-88, 189-201, 202-17, 218-29, 230-41, 243-49, 250-58, 259-67, 268-77, 286-88, 320-23, 325-33</p>

<i>Documents & Exhibits Fiber Research Expects to Offer at Trial</i>	<i>Documents & Exhibits Fiber Research May Offer at Trial</i>
	<ul style="list-style-type: none"> • <u>VIT-BEST</u>1, 40, 41-42, 43-58, 59-61, 62-77, 78-83, 84-98, 99-102, 103, 104-106, 107-14, 115-17, 118-25, 126, 127, 128-29, • <u>XYMOGEN-ORI</u>4, 9-60, 181, 183 • Any document shown to any deponent, whether or not otherwise specifically identified above • Any pleading or other document filed in this action, including without limitation exhibits to pleadings, exhibits to motions, declarations and exhibits thereto, requests for judicial notice and exhibits thereto, and court orders, whether or not otherwise specifically identified above • Any party's or non-party's response to any discovery request, including without limitation, any request for production of documents, interrogatory response, or response to request for admission • Any testimony by any person identified in any person's initial or pretrial disclosures, whether recorded stenographically, set forth in a declaration, or otherwise, regardless of the legal matter to which the testimony pertains

Dated: June 20, 2016

/s Jack Fitzgerald

Jack Fitzgerald

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***Counsel for Defendant and Counterclaim-
Plaintiff Fiber Research International, LLC***

Certificate of Service

I certify that on June 20, 2016, I served the foregoing Fiber Research's Rule 26(a)(1) Initial Disclosures on plaintiff and counterclaim-defendant Obesity Research Institute, LLC, by sending a copy to Obesity Research's counsel of record by electronic mail as follows:

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Attorneys for Plaintiff and Counterclaim-Defendant

Obesity Research Institute, LLC

Dated: June 20, 2016

/s/ Jack Fitzgerald

Jack Fitzgerald